

REMARKS

Claims 7-12 remain in the present application. Claim 7 was amended in this response to correct a minor informality. No new matter has been introduced as a result of the amendment. Favorable reconsideration is respectfully requested.

Claim 7 was rejected under 35 U.S.C. §112, second paragraph as allegedly failing to point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action objected to the word "substrate" which was inadvertently used in place of the word "substructure" when the preamble was re-phrased. In light of the present amendment, Applicant respectfully requests the rejection be withdrawn.

Claims 7 and 9-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Bernstein et al.* (US Patent 6,404,765) in view of *Bernet* (US Patent No. 5,764,645) and further in view of *Westberg* (US Patent No. 6,041,054). Claims 11 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Bernstein et al.* (US Patent 6,404,765) in view of *Bernet* (US Patent No. 5,764,645) and *Westberg* (US Patent No. 6,041,054) and further in view of *Suzuki* (US Patent No. 6,330,239). Applicants respectfully traverse this rejection.

Applicants again request a telephonic Examiner Interview to clarify ambiguities in the Office Action. On November 21, 2006, Applicants amended claim 7 to incorporate additional features that were not addressed in the Office Action. For example, the following amendment recites:

inserting, via the transmitting conversion device, the substructure elements into the subdivided Internet Protocol data packets unchanged, wherein no compression or decompression of the voice data is performed.

Also:

extracting, via a receiving conversion device associated with a receiving one of the connecting exchanges, the substructure elements from the received Internet Protocol data packets, wherein no compression or decompression of the voice data is performed.

However, none of the amended features were addressed in the Office Action. Furthermore, the Office Action recites claim features that are not found in the language of the claims. For example, on page 4, second paragraph, the Office Action recites the feature of "Internet protocol data packet over ATM network." On page 5, second paragraph (and also paragraph 4), the Office Action recites that "the substructure elements may be inserted into the data packets in an arbitrary order." These features are not found in any of the claims. Clarification is kindly requested.

Regarding the cited documents, none of the cited references, alone or in combination, teach or suggest subdividing the Internet Protocol data packets into substructure elements, or "inserting, via the transmitting conversion device, the substructure elements into the subdivided Internet Protocol data packets unchanged, wherein no compression or decompression of the voice data is performed; transmitting the Internet Protocol data packets from the transmitting conversion device to a receiving conversion device; [and] extracting, via a receiving conversion device associated with a receiving one of the connecting exchanges, the substructure elements from the received Internet Protocol data packets, wherein no compression or decompression of the voice data is performed" as recited in claim 7. As argued previously, the recited method generally discloses steps for transparently transmitting data in the form of substructure elements through a packet-oriented communication network using IP data packets (e.g., transmission of ATM cells over an IP network.).

Bernstein discloses the transmission of DS-X traffic over an ATM packet-network (col. 3, line 66 - col. 4, line 6). A conversion circuit (210) performs a DS-X-to-ATM conversion, where packet engine 230 specifies virtual channels where data is transmitted (col. 5, line 47 - col. 6, line 2). Thus, Bernstein does not disclose "inserting, via the transmitting conversion device, the substructure elements into the subdivided Internet Protocol data packets unchanged" - Bernstein does not "insert" any substructure elements, but clearly converts the DS-X traffic to ATM. Applicants also wish to point out that the DS-X packets are transmitted over an ATM connection in the virtual channels (col. 4, line 54). As is known in the art, ATM is a cell-relay circuit-switched network. Thus Bernstein is incapable of transmitting "Internet protocol data packets from the transmitting conversion device to a receiving conversion device." Moreover, Bernstein clearly teaches that compression is performed to save bandwidth: "according to the

present invention, virtual connection or slot provisioning and/or cell concentration techniques are used to compact the amount of DS-X traffic broadcast between communications system devices such as the end node and the communications switch to spare bandwidth” (col. 4, lines 1-6).

Bernet fails to solve the deficiencies of Bernstein discussed above. Besides providing an isolated disclosure regarding an ATM/IP protocol stack, the Office Action provides no information how such a configuration would conceivably be incorporated into the teaching of Bernstein. Since Bernstein converts all DS-X traffic into ATM, how would Internet Protocol packets be utilized in such a configuration? Moreover, such a configuration is the opposite of the claimed features (“inserting, via the transmitting conversion device, the substructure elements into the subdivided Internet Protocol data packets” (note: not ATM packets))

Regarding Westberg, the document teaches that IP data packets get transmitted through an ATM network (col. 3, lines 5-7), which is the opposite of the claimed configuration. Westberg also does not teach or suggest an inserting of the substructure elements (cell header and payload) into IP data packets unchanged, and further relies on compression/decompression in transmitting packet data (col. 7, lines 1-12). In Fig. 2 of Westberg, the reference discloses different size AAL2 minicells in the top row compared to the bottom row, whereas differently sized cells in the top row appear as same sized blocks in an ATM cell (e.g. third AAL2 minicells from the right and second AAL2 minicells from the right are clearly different in size in the top row but roughly the same size in the bottom row). Accordingly, the AAL2 minicells will not stay unchanged when they get inserted into an ATM cell.

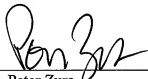
For at least these reasons, the Applicants respectfully submit the rejection under 35 U.S.C. §103 is improper and should be withdrawn. In light of the above, Applicants respectfully submit that independent claim 7 of the present application, as well as claims 8-12 which respectfully depend therefrom, are both novel and non-obvious over the art of record. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

It is further submitted that no fees are due in connection with this response at this time. However, if any fees are due in connection with this application as a whole, the Examiner is authorized to deduct said fees from Deposit Account No.: 02-1818. If such a deduction is made, please indicate the attorney docket number (0112740-177) on the account statement.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY

A handwritten signature in black ink, appearing to read "Peter Zura", written over a horizontal line.

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